

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Dale Gericke

Docket No. 7:15-CR-48-1FL

Petition for Action on Probation

COMES NOW John A. Cooper, U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Dale Gericke, who, upon an earlier plea of guilty to 18 U.S.C. 472, Possession of Counterfeit United States Obligations, was sentenced by the Honorable Thomas M. Rose, United States District Judge, in the on July 16, 2014, to 60 months probation under the conditions adopted by the court. Supervision was transferred to the Eastern District of NC and on April 30, 2015, probation was modified by the sentencing district after the defendant tested positive for cocaine by adding the following condition:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.

Following the modification of probation, jurisdiction was transferred to the Eastern District of North Carolina on May 26, 2015. On June 1, 2016, Gericke was reported to the court via Petition for Action for using cocaine. The modified the conditions by imposing a two day jail sanction and the DROPS condition to address further drug use.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

Since the above noted violation, Gericke successfully completed a drug treatment and testing program and has remained compliant with the other conditions of supervised release. However, on March 25, 2019 Gericke submitted to urine testing and the result was positive for cocaine. He admitted using cocaine and apologized for his poor judgment. He has been re-instated in drug testing and treatment and as a sanction for this violation, it is recommended he be placed on location monitoring in the home detention component for a period of 30 days and pay the costs of the monitoring program. It is further recommended the DROPS condition previously ordered be stricken as the BOP is unable to schedule the jail placements in a timely manner. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that probation be modified as follows:

1. The defendant shall abide by all conditions and terms of the home detention program for a period not to exceed 30 consecutive days. The defendant shall be restricted to his residence at all times except for pre-approved and scheduled absences for employment, education, religious activities, treatment, attorney visits, court appearances, court obligations or other activities as approved by the probation officer. The defendant shall submit to the following Location Monitoring: Radio Frequency monitoring and abide by all program requirements, instructions and procedures provided by the supervising officer. The defendant must pay all of the cost of the program.
2. The DROPS condition requiring intermittent jail time shall be stricken.

Except as herein modified, the judgment shall remain in full force and effect.

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Reviewed and approved,


I declare under penalty of perjury that the foregoing
is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
414 Chestnut Street, Suite 102
Wilmington, NC 28401-3958
Phone: 910-679-2046
Executed On: April 08, 2019

ORDER OF THE COURT

Considered and ordered this 10th day of April, 2019, and ordered filed and
made a part of the records in the above case.



Louise W. Flanagan
United States District Judge